

THE MARCH CALL

This folder, entitled "The Time is Now," gives detailed information on the aims and sponsorship of the March.

LEAFLET

One-page flyer entitled "To All Americans: Join the March for Jobs and Freedom," designed for mass distribution.

Additional copies of this organizing manual are also available. Other material will be put out by the March Office and sent to you as it appears.

What are the immediate tasks of participating organizations and groups?

1. PUBLICIZE THE MARCH

Our time is short! Our first and most urgent task is to make the March known. Get to the press, to church services, to union meetings; take our literature into the streets, distribute it outside movie houses, at the ball game. Make the March known.

2. ORGANIZE TRANSPORTATION

Our time is short! We have to get thousands of people to Washington on short notice. Set up your transportation committee at once and have a hardworking and reliable person head it up. Investigate carefully the possibility of bringing your group by train - it is a little more expensive, but special rates are available, and the more who come by rail, the less congestion there will be on the roads. If you come by bus make sure that you have a written contract issued in advance and that the bus company has a group insurance policy in effect that covers all members of the group.

Coordinate your activities with other groups in your area. It will, in some cases, save time if several groups can make joint transportation arrangements.

The National Office will not make transportation arrangements for local groups. Notify the National Office by mail of the progress of your work in organizing your March groups.

3. ORGANIZE THE UNEMPLOYED FOR THE MARCH

It will serve no purpose to hold a March for Jobs and Freedom if unemployed people are not able to come and add their voices and presence to the demonstration. Organizations must make it a main task to get the news of the March to the unemployed and to encourage the unemployed, where possible, to establish their own March Committees.

Organizations may further guarantee the presence in Washington of the unemployed by (a) assigning a given number of seats in buses and trains to the unemployed, and (b) raising funds to pay for these assigned seats. Make it your goal to send one unemployed person to Washington for every three who can pay their way. We hope that not a bus will go, nor train start, that does not have its quota of the unemployed.

If there are no unemployed in your area, raise funds for the transportation of unemployed persons elsewhere, and transmit the money to the National Office (see under National Office below).

4. HAVE THE COMMUNITY RECOGNIZE AND SET ASIDE THE DAY

Ask the Governor of your State, and the City Fathers, to proclaim August 28 as FREEDOM DAY. Ask ministers and rabbis to offer special prayers August 24-25 for the success of the March. Approach employers with the request that they close their plants on August 28 and grant workers paid vacation on that day in honor of the Centennial of the Emancipation Proclamation and the Civil Rights movement.

How should funds be sent to the National Office of the March?

While your fundamental task is mobilizing people to Washington, bear in mind that the National Office has to meet heavy expenses in preparation for the March. Any funds that may be sent by local organizations for this purpose will be welcome. In addition you are asked to solicit, where possible, special contributions to defray the expenses of unemployed persons, which funds we will administer at our discretion in accordance with need. Make your checks payable to MARCH ON WASHINGTON.

We ask you also to sell a March Button that will help publicize the March, and to transmit the proceeds to us. The button is 2 1/2" in diameter, emblem is a black and white handclasp, and the title, March on Washington for Jobs and Freedom. August 28. Price of each button is 25 cents. Order from the National Office. Send checks, not cash. Shipping costs will be borne by the Office.

How will the March be organized in Washington?

All persons coming to Washington, whether by bus, train or plane, who are being sent by organizations, must be under the leadership of captains appointed locally before departure. Private cars create confusion and traffic problems. Their use is discouraged. Captains will be responsible for the group en route and in moving around Washington. Further details on the role and function of the March leadership at this level will be forthcoming in the next manual.

The March will provide its own police to maintain order and internal security among the marchers in Washington. These marshals are specially trained and will be in constant contact with captains and marchers. The Washington police and the U.S. Government have promised full cooperation in controlling traffic, maintaining order, providing comfort and first-aid stations for the marchers.

Marchers from the 50 States and the District of Columbia will be assigned specific assembly points where they are to gather on arrival in Washington.

Further information about these assembly points will be provided in due course. All persons are expected to report at the assembly points not later than 10:00 A.M. on August 28th.

Meetings will be held at the Assembly points - in most cases they will be churches - for two purposes:

- 1) To meet with Congressmen and Senators, who will be invited to meet with the delegations at the Assembly points and to report their positions on pending legislation and to answer questions from their constituents.
- 2) To select representatives who will proceed to Capitol Hill seeing those legislators who did not respond to our invitation to meet with their constituents. These representatives will be accompanied by representatives of the six civil rights organizations sponsoring the March.

A massive demonstration will be held at the White House. A statement will be issued making clear to the President, the Congress, and the Nation our view that the job problem for Negro citizens cannot be solved unless the problems of all the unemployed are tackled. The delegation will call for the immediate inauguration of a Federal Public Works Program adequate to cope with the deepening economic crisis.

Later the Marchers will assemble for a parade down Pennsylvania Avenue. The parade will dramatize our demands for Jobs and Civil Rights and will commemorate Medgar Evers of the NAACP, William Moore of CORE, Herbert Lee of SNCC, and the thousands of nameless heroes of the freedom movement who have given their lives in the struggle for full equality. The procession shall sing "We Shall Overcome" to the accompaniment of bands and choirs for the entire line of march.

All placards to be used on the March will be provided by the National Office.

No other slogans will be permitted.

In the afternoon there will be a mass meeting at the Lincoln Memorial to commemorate the 100th anniversary of the Emancipation Proclamation and to voice our needs and demands.

What arrangements are there for staying in Washington and for refreshments?

THIS IS A ONE-DAY DEMONSTRATION.

The size and scope of this March make it imperative that all participants come in and go out on the same day - August 28th. All organizations are urged to see to it that participants come provided with box lunches and suppers, and especially that groups furnish themselves with ample water. You are strongly advised not to bring children under 14; children over 14 should be accompanied by a parent or guardian.

In the event of a filibuster before August 28th, March machinery will be used to send daily waves of approximately 1000 people to Washington for the duration of the filibuster. If the filibuster has not begun by August 28th, March participants will be asked to return to Washington at the time of the filibuster in waves of 2000.

enclosures: 1 Call
1 Leaflet

ORDER - BLANK

PLEASE SEND _____ Calls "The Time is Now"

_____ No. _____ Leaflets "To all Americans...."

_____ No. _____ Buttons at 25 cents (CHECK
FOR FULL PURCHASE
PRICE MUST BE INCLUDED)

NAME _____

ADDRESS _____

ORGANIZATION _____

TELEPHONE _____

National Office
March on Washington for Jobs and Freedom
170 West 130th Street
New York 27, New York
Filmore 8-1900

TELEPHONE: ADAMS 2-2320

"MARCH ON WASHINGTON"

D. C. Coordinating Committee

1417 U Street, N. W.

Washington, D. C.

COORDINATING COMMITTEE

Rev. Walter E. Fauntroy, S.C.L.C.,
Coordinator

Joseph A. Beavers, N.A.A.C.P.

E. Charles Brown, N.A.A.C.P.

Edward A. Hiles, N.A.A.C.P.

Julius W. Hobson, CORE

Sterling Tucker, W.U.L.

July 25, 1963

Dear Fellow Citizen:

On August 28, 1963, thousands of American citizens, Negro and white, from every state in the Union, will assemble peaceably in our city to impress their individual Senators and Congressmen and the Nation with the need for the passage of the President's Civil Rights Bill and other legislation to deal with the crisis in jobs that all America faces.

They will gather from Alaska to Florida and Maine to California bearing petitions from constituents back home in what promises to be America's most dramatic experience in the exercise of the First Amendment provision of our Constitution--the Amendment which guarantees "the right of the people peaceably to assemble and to petition the government for a redress of grievances." President Kennedy, as you know, has recognized the assembly as being in this great tradition.

Citizens of the Washington area have a great responsibility in welcoming these petitioners from across the country to our Nation's capital, and a great privilege to participate. The enclosed memorandum outlines initial steps which your organization or you as an individual may take to help.

Every effort is being made at a variety of levels to assure that this is a peaceful, nonviolent demonstration. We believe that on August 28 America will speak, saying to the Congress and the world that this is the true America, not what you have seen in Birmingham, Jackson and Cambridge, but millions of dedicated citizens, Negro and white, who want peace and effective legislation now in the field of civil rights.

We trust that after reading the memorandum you will be moved to join in this demonstration of where the hearts of Americans are on this question, so that our Congressmen may be moved to pass strong legislation.

Sincerely,

Walter E. Fauntroy

Walter E. Fauntroy
Chairman, D. C. Coordinating
Committee

encl.

"MARCH ON WASHINGTON"

*D. C. Coordinating Committee
1417 U Street, N. W.
Washington, D. C.*

TO: RESIDENTS AND ORGANIZATIONS OF WASHINGTON
FROM: D. C. COORDINATING COMMITTEE
SUBJECT: MARCH ON WASHINGTON FOR JOBS AND FREEDOM

PURPOSE

A March on Washington is being organized by the Major Civil Rights organizations of our country (N.A.A.C.P., CORE, S.C.L.C., S.N.C.C., N.A.L., N.U.L.*) with the support of national religious, civic, labor and fraternal organizations, scheduled for Wednesday, August 28, 1963. The purpose of the March is to arouse the conscience of America to the denial of Civil Rights to its Negro citizens and the economic plight of minority groups today.

We plan to welcome to Washington citizens from Congressional Districts in every State. Hopefully more than 100,000 individual citizens will petition their Congressmen by this means to vote favorably on the President's Civil Rights Bill as a bare minimum for Civil Rights legislation this year, and to call for the enactment of effective legislation to remedy the economic plight of minority groups in America.

The citizens of the Washington Metropolitan area have a very important role to play in the implementation of the plans for the March. The D. C. Coordinating Committee is calling upon every citizen and organization in the Washington Metropolitan area to volunteer their facilities and services in the following areas:

1. Facilities for assembling State delegations, meals and lodgings.

- A. Churches desiring to offer their facilities as assembly points for State delegations are asked to register with the Committee by calling the Washington Urban League, Re 7-0367, and indicating the same to Mrs. Grace Pinkston.
- B. While all petitioners are being asked to arrive in Washington early on the morning of the 28th and to leave at the close of the rally on the evening of the 28th, we recognize that some facilities for lodging and meals will be necessary for petitioners who travel from great distances. For this reason we ask that those churches, organizations and individuals who are able to provide lodging and/or meals indicate this by calling the Urban League.

2. Participation of Washington area residents and organizations.

- A. All civic, religious, social, fraternal and neighborhood organizations wishing to go on record as officially supporting the March are asked to call the March office in the N.A.A.C.P. Building, Ad 2-2320, to apply for supporting status.
- B. All individuals wishing to volunteer their services to the Coordinating Committee in carrying out the plans for the March are asked to call the March office, Ad 2-2320 and indicate same.

MARCH ON WASHINGTON FOR JOBS AND FREEDOM - continued)

Plans call for the petitioners to arrive at 51 assembly points in the Washington Area (1 for each State and the District of Columbia) early on the Morning of August 28th. There the petitioners will obtain final instructions for meeting their congressmen between the hours of 10 A.M. and 12 Noon. Meetings will be held at the Assembly points--in most cases they will be churches--for two purposes: 1) To meet with Congressmen and Senators, who will be invited to meet with the delegates at the Assembly points and to report their positions on pending legislation and to answer questions from their constituents. 2) To select representatives who will proceed to Capitol Hill seeing those legislators who did not respond to our invitation to meet with their constituents.

2:00 P.M. the petitioners will assemble on the South side of the White House, on the Ellipse, and have a brief rally for jobs. Tentative plans call for the March to proceed from the Ellipse down Constitution Avenue, in solemn memory of slain Negro leader Medgar Evers, to the Lincoln Memorial. From 3:00 to 5:30 P.M. a mass meeting will be held at the Lincoln Memorial.

The March is planned as a PEACEFUL, NONVIOLENT demonstration in the best tradition of the First Amendment provisions of the Constitution for peaceful assembly to petition for redress of grievances. Therefore, only those citizens who are committed to nonviolence as a creative means of protest are urged to participate.

All organizations which register with the local Coordinating Committee will be mailed detailed and final information concerning the March as it becomes available.

COORDINATING COMMITTEE

Rev. Walter E. Fauntroy, S.C.L.C.,
Coordinator

Joseph A. Beavers, N.A.A.C.P.

E. Charles Brown, N.A.A.C.P.

Edward A. Hails, N.A.A.C.P.

Julius W. Hobson, CORE

Stirling Tucker, W.U.L.

- National Association for the Advancement of Colored People, Congress of Racial Equality, Southern Christian Leadership Conference, Student Nonviolent Coordinating Committee, Negro American Labor Council, Washington Urban League.

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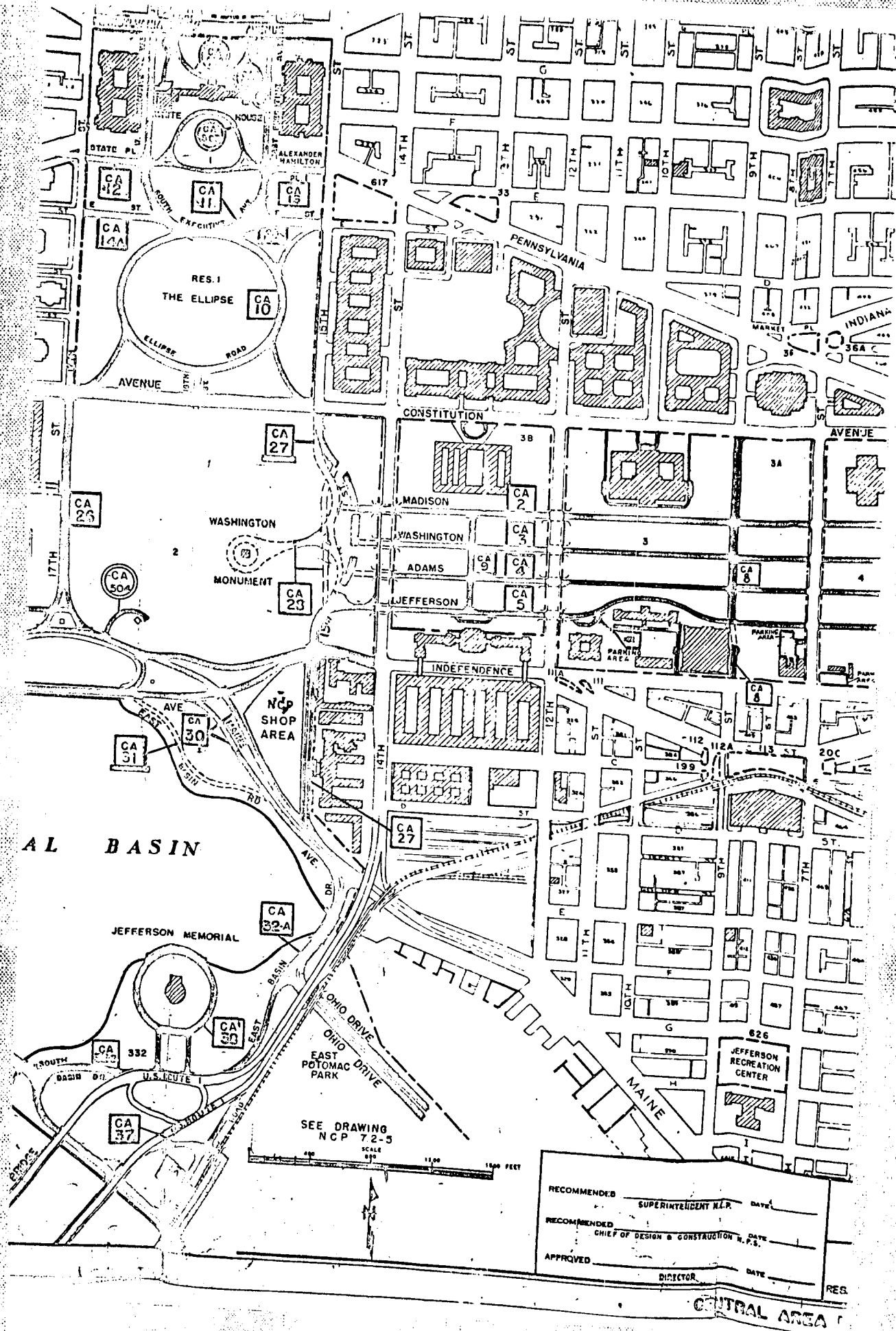
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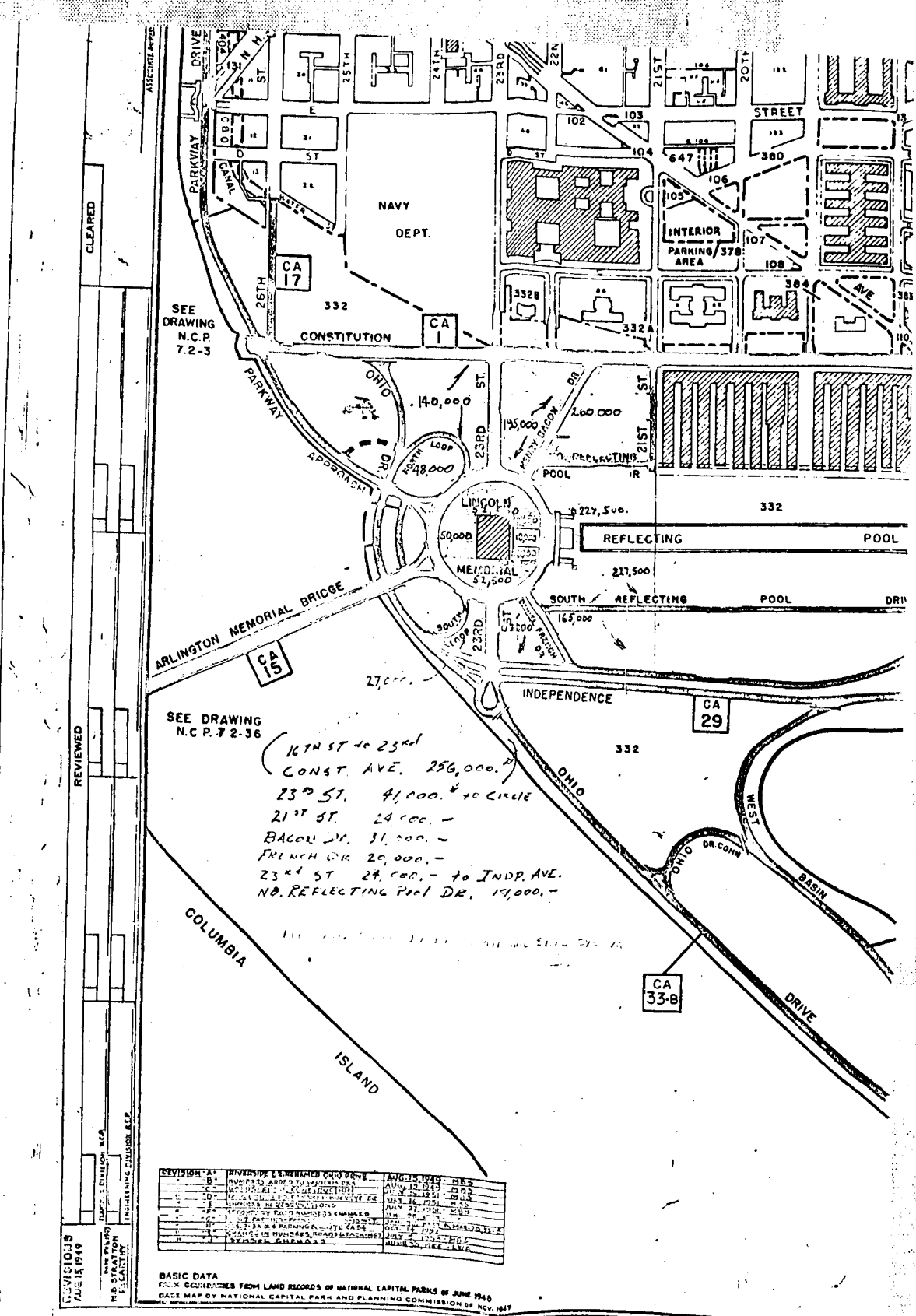
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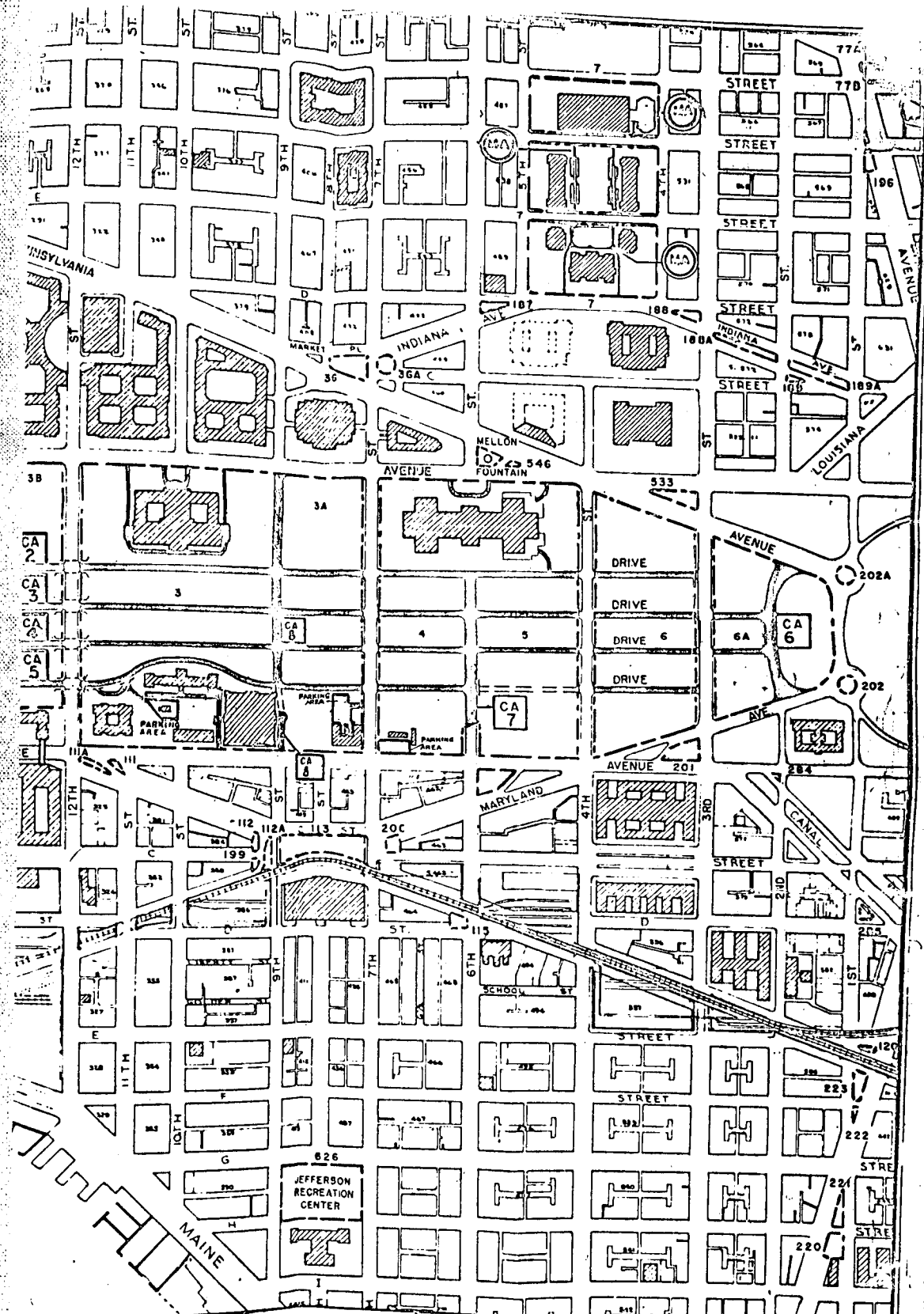
SEE DRAWING
N.C.P.
7.2-3

SEE DRAWING
N.C.P. 7.2-36

16TH ST to 23rd
CONST. AVE. 256,000.
23rd ST. 41,000. + 40 CIRCLE
21st ST. 24,000. -
BACON ST. 31,000. -
FRENCH DR. 20,000. -
23rd ST. 24,000. - to INDP. AVE.
NO. REFLECTING POOL DR. 19,000. -

REVISION	DESCRIPTION	DATE	BY
1	REVISION 1 - REMOVED CHANGES	AUGUST 1949	RES
2	REVISION 2 - REMOVED CHANGES	SEP 12, 1949	RES
3	REVISION 3 - REMOVED CHANGES	SEP 12, 1949	RES
4	REVISION 4 - REMOVED CHANGES	SEP 12, 1949	RES
5	REVISION 5 - REMOVED CHANGES	SEP 12, 1949	RES
6	REVISION 6 - REMOVED CHANGES	SEP 12, 1949	RES
7	REVISION 7 - REMOVED CHANGES	SEP 12, 1949	RES
8	REVISION 8 - REMOVED CHANGES	SEP 12, 1949	RES
9	REVISION 9 - REMOVED CHANGES	SEP 12, 1949	RES
10	REVISION 10 - REMOVED CHANGES	SEP 12, 1949	RES

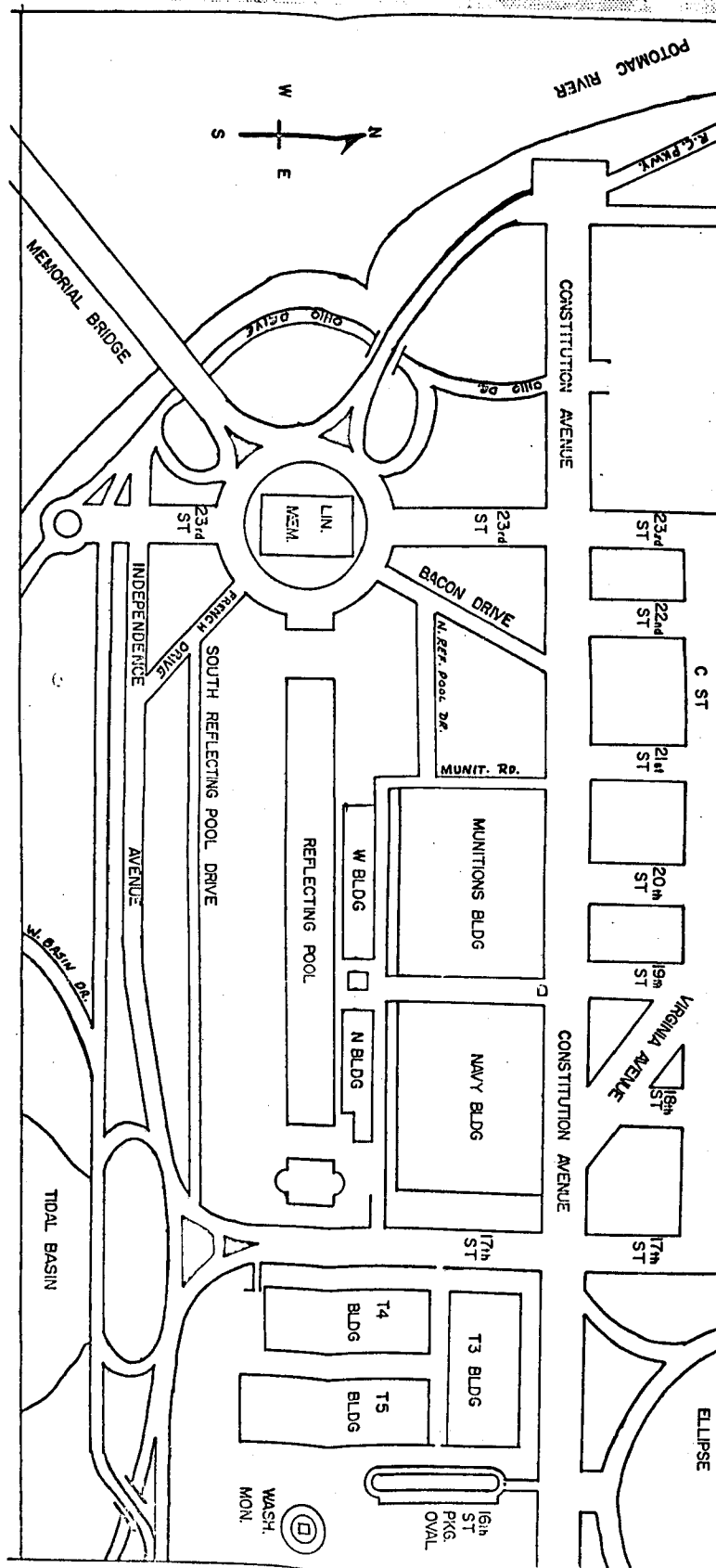
BASIC DATA
FROM RECORDS OF NATIONAL CAPITAL PARKS OF JUNE 1948
BASE MAP BY NATIONAL CAPITAL PARK AND PLANNING COMMISSION OF NOV. 1947

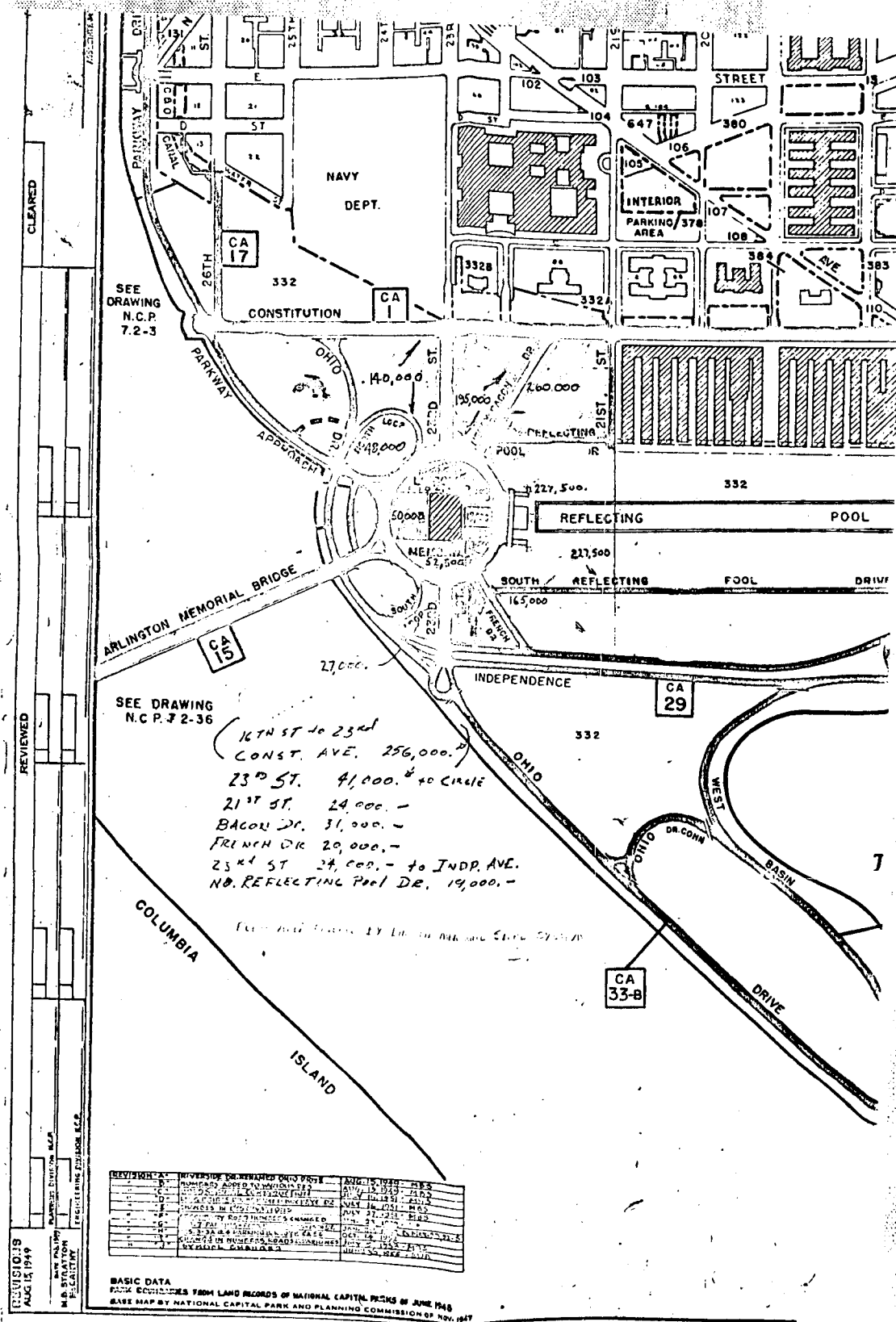


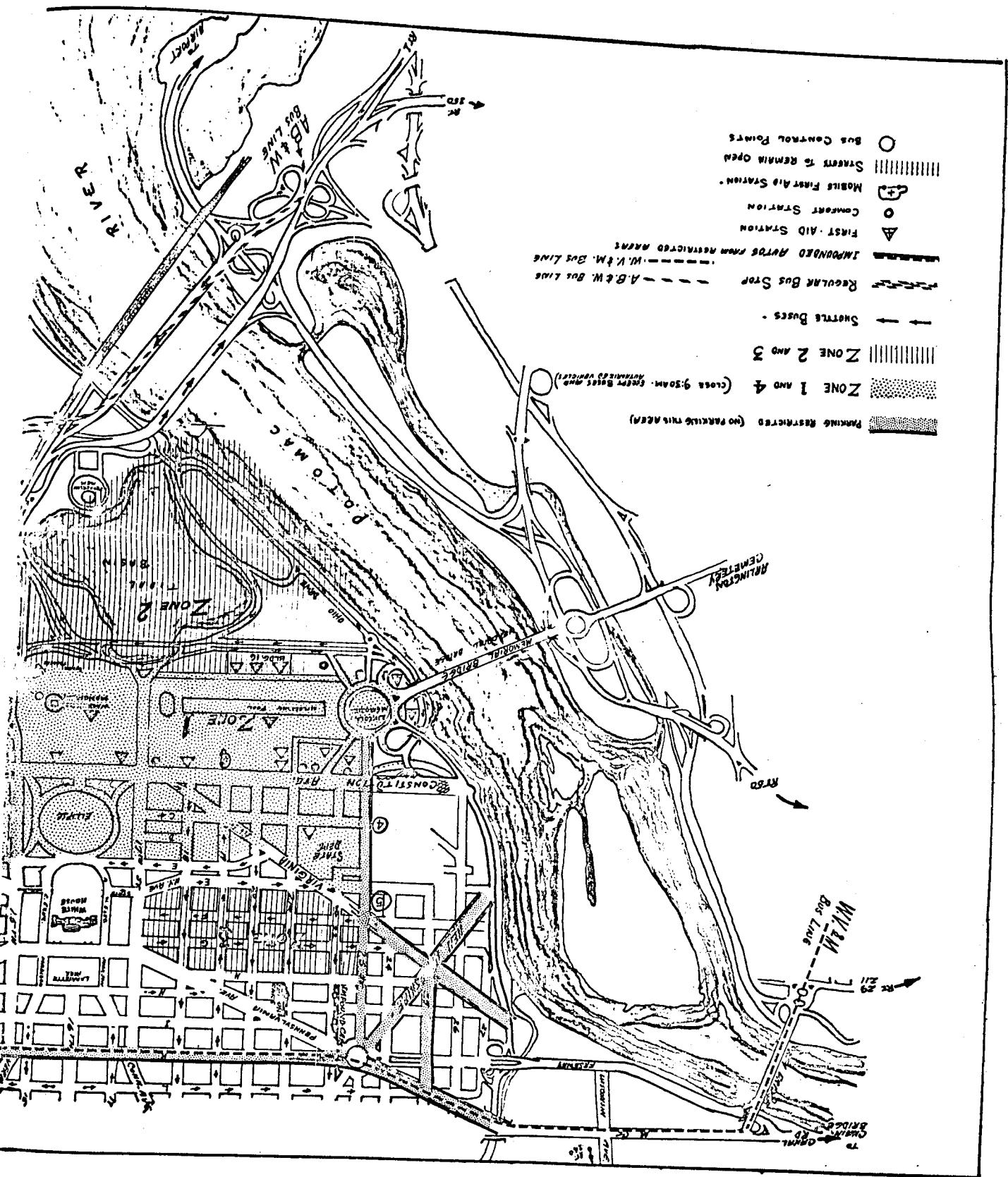
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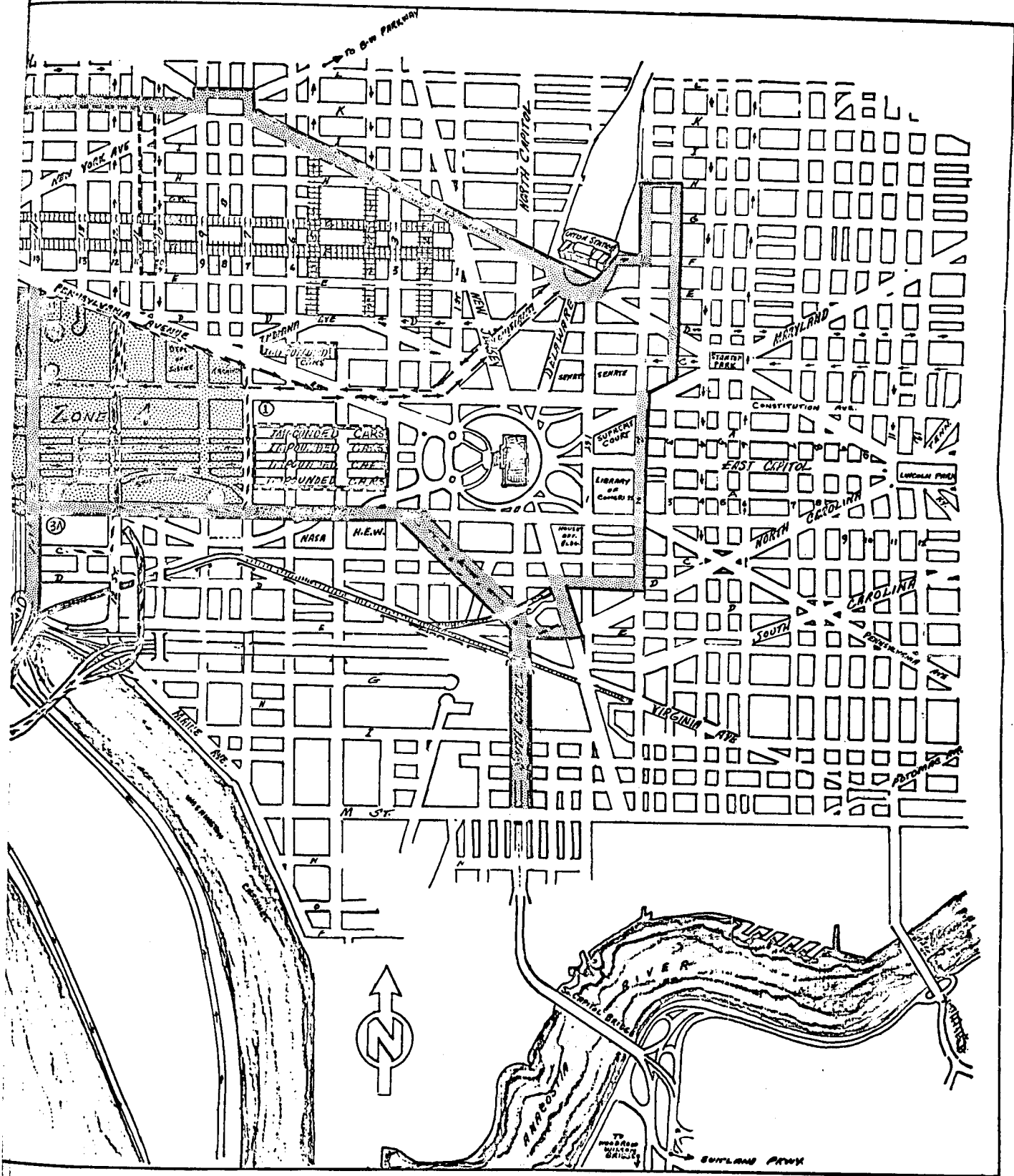
RECOMMENDED _____ SUPERINTENDENT N.C.P. DATE _____	UNITED STATES DEPARTMENT OF THE INTERIOR NATIONAL PARK SERVICE NATIONAL CAPITAL PARKS PREPARED BY ENGINEERING DIVISION	REGION N.C.P. WASHINGTON, D.C. SHEET 1 OF 1 DRAWING NO. N.C.P. 7.2-01
RECOMMENDED _____ CHIEF OF DESIGN & CONSTRUCTION N.P.S. DATE _____	PART OF THE MASTER PLAN RES. NO. 1, MONUMENT GRDS. MALL & WEST POTOMAC PARK NAME OF THE PROJECT	
APPROVED _____ DIRECTOR DATE _____	CENTRAL AREA NATIONAL CAPITAL PARKS SHEET	





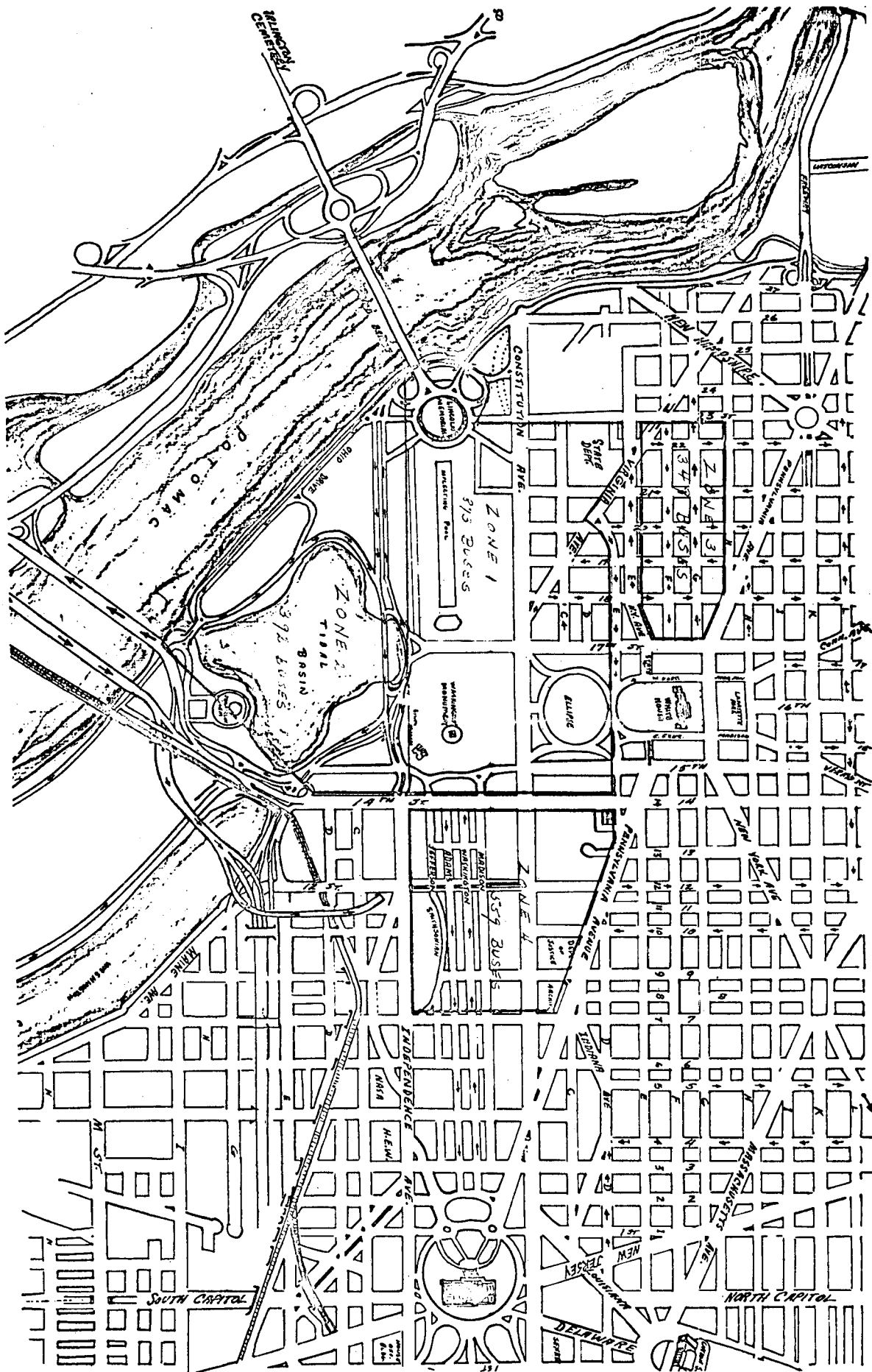


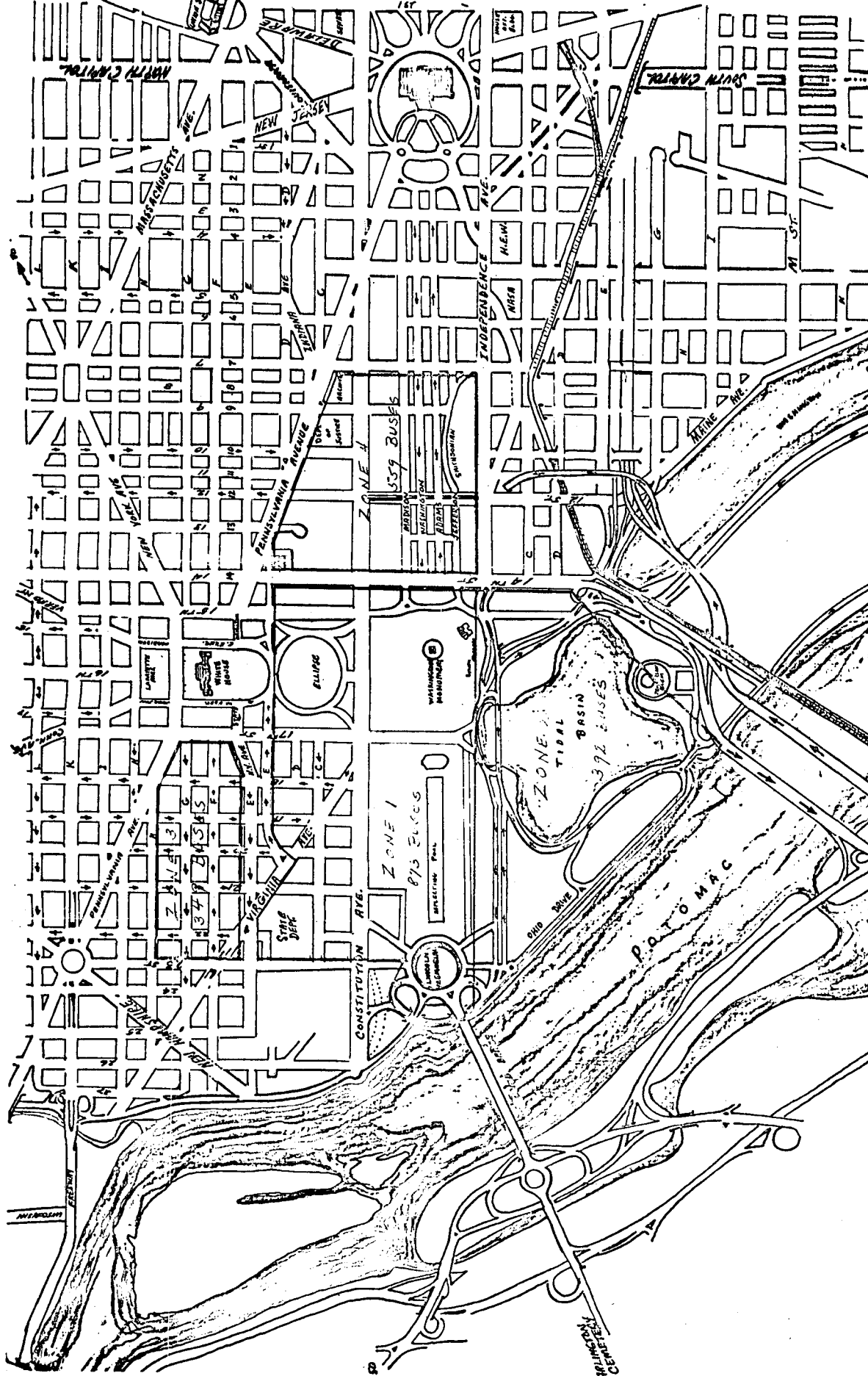




- FIRST DIVISION BOUNDARY
- SECOND DIVISION BOUNDARY
- THIRD DIVISION BOUNDARY
- FOURTH DIVISION BOUNDARY
- FIFTH DIVISION BOUNDARY
- TRAFFIC STREETS WITHIN DIVISION
- FIRST AID STATIONS AND AMBULANCES
(POLICE REPORTS ACCEPTED HERE)
- COMFORT STATIONS







MEMORIAL DU 1-7309

MONUMENT DU 1-7273

DISPATCHER
PARK POLICE DU 1-7206

PARK SERVICE (JETS) 381-7211
DU 1-7200

ABERSFELLER 13x 36146
183x 5665
EX 3-4500

UNION STATION

MORRIS LINGENFELTER;
EX 3-4300 X 351, 374, 477, 476

CAPT PELL - STA ^{POLICE} MASTER

PAUL DOWELL - STA MASTER

DR LEATH - DA 8-6000 X 3015

D.C. TRANSIT

MORRIS FAX, 1st VP FE 3-5200
X 641

I. GOAD

JUSTICE

HAROLD REIS 187-2051

CHARLES SIMMS 187-2047

Arrive Dulles International 11:15 AM EDT

Leave Dulles International 8:45 PM EDT

Arrive O'Hare International Airport 10:25 PM CDT

Flight No. 241 - Viscount - Cleveland/Washington - One Way
43 Reservations - Cleveland Hopkins Airport

Leave Hopkins Airport 8:00 AM EDT

Arrive National Airport 9:25 AM EDT

Return Flight No. 509 - DC6F - Washington/Cleveland - One Way
43 Reservations - Washington National Airport

Leave National Airport 7:30 PM EDT

Arrive Hopkins Airport 9:10 PM EDT

Flight No. 300 (Northwest Airlines) DC6 - Detroit/Washington - One Way
58 Passengers - Metropolitan Airport

Leave Metropolitan 7:00 AM EST

Arrive National Airport 10:01 AM EST

Flight No. 315 - Northwest Electro - Washington/Detroit - One Way
58 Passengers - National Airport

Leave National Airport 7:30 PM EDT

Arrive Metropolitan 8:37 PM EST

*7 flights -
419 pages*

UNITED AUTOMOBILE WORKERS OF AMERICA
UNITED AIR LINES CHARTER AND SCHEDULED FLIGHT SUMMARY
AUGUST 28, 1963

Charter No. 5773 - DC6B - Detroit/Washington - Round Trip
58 Passengers - Detroit Willow Run Airport

Leave Willow Run Airport	7:05 AM EST
Arrive Dulles International	10:00 AM EDT

Leave Dulles International	9:45 PM EDT
Arrive Willow Run Airport	10:35 PM EST

Charter No. 5774 - DC6b - Flint/Washington - Round Trip
58 Passengers - Flint Bishop Airport

Leave Bishop Airport	7:15 AM EST
Arrive Dulles International	10:15 AM EDT

Leave Dulles International	9:30 PM EDT
Arrive Bishop Airport	10:50 PM EST

Charter No. 5775 - DC6B - Grand Rapids/Saginaw/Washington - Round Trip
58 Passengers - Grand Rapids Kent County Airport
Saginaw Tri-City Airport

Leave Kent County Airport	6:30 AM EST
Arrive Tri-City Airport	7:04 AM EST
Leave Tri-City Airport	7:25 AM EST
Arrive Dulles International	10:30 AM EDT

Leave Dulles International	10:00 PM EDT
Arrive Tri-City Airport	11:20 PM EST
Leave Tri-City Airport	11:40 PM EST
Arrive Kent County Airport	12:14 AM EST

Charter No. 5776 - DC7T - Chicago/Washington - Round Trip
86 Passengers - Chicago O'Hare International Airport

Leave O'Hare International Airport	7:40 AM CDT
Arrive Dulles International	11:00 AM EDT

Leave Dulles International	9:00 PM EDT
Arrive O'Hare International Airport	10:40 PM CDT

Charter No. 5777 - DC7F - Chicago/Washington - Round Trip
58 Passengers - Chicago O'Hare International Airport

Leave O'Hare International Airport	7:30 PM EDT
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IN REPLYING REFER TO

United States Department of Justice

REM:mrtn

UNITED STATES ATTORNEY
NORTHERN DISTRICT OF WEST VIRGINIA
POST OFFICE BOX 232
FAIRMONT, WEST VIRGINIA 26555
January 14, 1964

Mr. John R. Reilly
Assistant to Deputy Attorney General
for United States Attorneys
Department of Justice
Washington, D.C. 20530

Dear John:

I have received your communication of January 10, 1964, relative to the Coordinating Committee for the collection of materials for the John F. Kennedy Memorial Library.

In studying the contents of your letter, I doubt that our files contain any records of the Kennedy Administration which are not already available to you in the Department of Justice files. This thought is, of course, directed toward matters of litigation, investigation and over-all law enforcement in the Northern District of West Virginia.

In keeping with one of the prime objectives of the Kennedy Administration, namely, civil rights, I was requested some months ago to do a law review article for St. John's Law Review, Brooklyn, New York. This was published in May, 1963, and is entitled "Civil Rights and West Virginia: A Centennial Study." I felt the effort would localize the civil rights growth -- or lack of it -- during the past century and, inasmuch as West Virginia was a key state in President Kennedy's campaign efforts, I felt that its parallel growth and civil rights development might lend some impetus to the Administration's over-all and nationwide civil rights program. You will note the liberal use of quotations demonstrating the Kennedy Administration's philosophical approach as well as its ultimate objectives in this field.

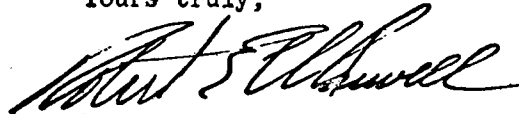
I enclose a re-print of this law review article which you may have and use in connection with the Memorial Library program.

-2-

Department of Justice
Attention: Mr. John R. Reilly
January 14, 1964

If you have any further thoughts or suggestions that would be helpful or which you feel would be a contribution from this area to the Memorial Library, I would appreciate hearing from you and will be delighted to enthusiastically work toward the achievement of this monumental and worthwhile goal.

Yours truly,

A handwritten signature in dark ink, appearing to read "Robert E. Maxwell". The signature is fluid and cursive, with the first name "Robert" being more prominent and the last name "Maxwell" following in a similar style.

Robert E. Maxwell
United States Attorney

Enclosure: Law Review

St. John's

Law Review

CIVIL RIGHTS AND WEST VIRGINIA:
A CENTENNIAL STUDY
● ROBERT E. MAXWELL

...

(Reprinted from St. John's Law Review, Vol. 37, May 1963)

St. John's Law Review

VOLUME XXXVII

MAY 1963

NUMBER 2

CIVIL RIGHTS AND WEST VIRGINIA:

A Centennial Study

ROBERT E. MAXWELL †

TO the historian, West Virginia typifies a frontier of personal independence and freedom, commencing prior to the Revolutionary War days, and where the State's motto, "Mountaineers are always free," is a vital, vigorous and living symbol; and to the scholar, who correlates achievement with the forces of history, West Virginia represents a "Federal" philosophy born of the belief that "all men are, by nature, equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity, namely: The enjoyment of life and liberty with the means of acquiring and possessing property, and of pursuing and obtaining happiness and safety."¹

On June 20, 1863, West Virginia became the thirty-fifth State of the Union. The progression of events leading to and finalizing the separation of the lands now known as West Virginia from the mother State of Virginia is em-

† In 1961, Mr. Maxwell was appointed United States Attorney for the Northern District of West Virginia. From 1953 to 1961, he served as Prosecuting Attorney of Randolph County, West Virginia, resigning during his last term to assume the duties of his present office.
1 W. VA. CONST. art. 3, § 1.

blematic of the heritage of the Mountain State which, during the year 1963, is being heralded across the length and breadth of the Nation. West Virginia's Centennial Year, 1963, following a century of statehood, is an appropriate time and occasion to reflect upon the problems currently present, the events recorded during the century, and to speculate on the prospects for the future in the basic areas of civil rights.

West Virginia was born of the basic issue of civil rights—slavery—and during the succeeding century has continued in large measure a sovereign philosophy which, during the mid-1800's, was known as the "northern" viewpoint, with scattered pockets of "southern" sympathy. It is recorded that President Abraham Lincoln justified his course in signing the statehood bill as a war measure, and West Virginia is sometimes described as "war born."

EVOLUTION INTO STATEHOOD

The political development of West Virginia into statehood, both before and during the searing and searing of its population and terrain during the Civil War conflict, is symbolical of its traditional doctrine in the development of personal equality and liberty, as eloquently portrayed by Patrick Henry, who said: "No free government or the blessings of liberty can be preserved to any people but by a fair adherence to justice, moderation, temperance, frugality, and virtue, and by a frequent recurrence to fundamental principles." On the vote for secession of Virginia by the people west of the mountains, 40,000 out of a total of 44,000 votes were against it. This sentiment was reflected in enlistments in the Union and Confederate armies with about 32,000 Union and about 8,000 Confederate recruits.

In the certified original of the constitution presented to Congress on behalf of the proposed new state, the seventh section of Article XI read as follows:

7. No slave shall be brought or free person of color be permitted to come into this state for permanent residence.

Congress was not satisfied with this terminology in the proposed constitution and required that the seventh section

of the constitution be changed so as to provide for the gradual extinguishment of slavery, and this was accomplished with the adoption by the embryo state of the following worded section:

The children of slaves born within the limits of this State after the fourth of July, eighteen hundred and sixty-three, shall be free and that all slaves within the said State who shall, at the time aforesaid, be under the age of ten years, shall be free when they arrive at the age of twenty-one years; and all slaves over ten, and under twenty-one years, shall be free when they arrive at the age of twenty-one years; and no slave shall be permitted to come into the State for permanent residence therein.

President Lincoln, after studying the West Virginia statehood bill during the maximum time permitted under the Constitution and having referred it to his Cabinet which stood equally divided, signed the bill. "Admission was under an act signed by the President on December 31, 1862, and was conditioned upon acceptance of the so-called Willey Amendment which provided for the gradual abolition of Negro slavery."² On April 20, 1863, President Lincoln executed the proclamation, effective sixty days from date, declaring the State of West Virginia to be one of the United States of America.³

Slavery was an important factor in the Civil War but it was not the primary cause of the conflict, which was the right of a state to leave the Union. Slavery, however, was one of the subjects in dispute between the eastern landholders of Virginia and the people west of the mountains that finally led to division of Virginia into two states.

The institution of slavery developed in Eastern Virginia due to cultivation of tobacco, and Negro slaves were valuable as field hands. However, there was not the same need

² 5 DICTIONARY OF AMERICAN HISTORY, *West Virginia: Constitutional Aspects of its Formation* 439 (1942).

³ "WHEREAS, by the act of Congress approved the 31st day of December last (1861) the State of West Virginia was declared to be one of the United States of America. . . . I, Abraham Lincoln, President of the United States, do hereby, in pursuance of the act of Congress aforesaid, declare and proclaim that the said act shall take effect and be in force from and after sixty days from the date hereof. . . ."

for slaves in Western Virginia where plantations were scarce and where the land was unsuitable for extensive cultivation of tobacco. In 1850 the total population of West Virginia was 302,313 but only 21,736 of that number were slaves. Most of the Negroes were owned by planters in the eastern area or by large landowners in the central area. A major reason for that was the type of people who lived in the mountains of West Virginia. They were accustomed to doing their own work. They were engaged in occupations where slaves would have been of little or no value.

Those who owned slaves in West Virginia treated them as chore-boys and domestic help. They were not overworked, had regular hours, and were given rewards for good behavior and for good work. The master felt an obligation to feed the slaves well and to furnish them with proper medical attention, clothes, and shelter. Women slaves in West Virginia were not compelled to do field work. They were engaged for the most part in spinning, cooking, and caring for the children. Slaves were permitted to marry, not legally, but by consent of their masters. In most instances the men and women felt they were joined for life and were happy.

West Virginia was near the free territory of Ohio and Pennsylvania. That had something to do with the way slaves were treated in this State. While there was a Virginia fugitive slave law intended to have runaway slaves returned to their owners, it was difficult to enforce where public sentiment was opposed to slavery. There were many white people in the State who were conscientiously opposed to slavery. They felt morally obligated to assist any slaves who wanted their freedom. As a result, there were many depots in West Virginia on the "underground railway." By that system slaves were sent from one station to another and given food and clothing on their trip to Canada where they were free.

The question of slavery was one of the important points in the admission of West Virginia as a separate state. Charles Sumner, in July 1862, refused to vote for admission of West Virginia with a constitution that recognized slavery.

The constitution contained a provision that children born of slave mothers after July 4, 1863, would be free. That was a compromise to take care of the slave owners. But Sumner held that any slaves were too many.

The subject of slavery was hotly debated at the Wheeling Convention, which wrote the new State's constitution. Gordon Battelle, an outstanding statesman, worked hard for a constitutional provision that would abolish slavery gradually. That was defeated. Then he sought to submit the question to a vote of the people. That also was rejected but by a 24-23 vote. A provision was finally adopted prohibiting any slave or free person of color from coming into the State for permanent residence after adoption of the constitution. One suggestion was made to the convention for a provision authorizing slave owners to recover from the State "the actual value of such slaves at the time of emancipation." Another suggestion proposed that Congress issue bonds for \$2,000,000 with which to pay slaveholders in West Virginia. All of the suggestions and recommendations were voted down.

Then a resolution was passed unanimously on February 17th to insert the congressional requirement into the constitution. The requirement, as an amendment to the constitution, was submitted to a vote by the people of the State on March 26, 1863. It was ratified 18,862 to 514.

As West Virginia has evolved and grown from an embryo State of the Union, so has the State grown in commerce, industry and public affairs of the Union. As civil rights, considered in its broadest context, has developed, so also has the Mountain State developed. The growth of West Virginia, paralleling the development of personal liberties and freedom, has often been slow, hesitant, faltering, and in many instances disheartening, but always in an affirmative and positive manner.

An example of West Virginia's development is the area of natural resources. At the turn of the century of West Virginia's history, the Mountain State is approximately two-thirds timbered with some of the finest hardwood products of the United States. Demand for West Virginia's cherry, maple, oak and other species of hardwood comes

from practically every state of the Union as well as from many foreign nations. Used particularly in the furniture industry, West Virginia's forest products—a magnificent, recurring natural resource—are also used for many other purposes where a high-quality wood product is demanded. The supply of timber for the world's use is a long-time natural resource of the Mountain State. New timber stand practices have guaranteed future generations of an increasingly better quality of timber, thus opening the potential for new industrial use of this raw material.

The thirty-fifth State's coal deposits have long made it the virtual coal capitol of the United States. Recent adverse conditions involving unemployment, loss of population and other matters do not minimize the fact that West Virginia's coal deposits have made and are making millions of dollars available to the Union's commerce. Reflecting on coal history, the barons of early development were successful in escaping the pangs of taxation on coal exports from West Virginia. With the exceptions of wages—often meager—and royalties to landowners—also meager—the fruits of coal production, reaching into the billions of tons, fell into the hands of out-of-state commercial and industrial interests. The future of coal in the Mountain State is still one of the bright stars of her economy. Automation and techniques of production have made additional billions of tons of coal available for future generations.

The rugged mountains of West Virginia are not only an attraction for tourist investment dollars—the State being within 500 miles of approximately twenty-one percent of the Nation's population—but also are a haven for fortunes to be made in mining, timber, oil and gas, as well as other areas of endeavor from natural resources.

Having been a state that relied on rail transportation as its chief means of exporting its natural resources, West Virginia, in the transition period during the decline of the rail industry, has found itself without adequate transportation of its products. That problem is now being cured with the advent of express highway plans and projects through the mountains, linking West Virginia with its neighbor states on every side. Interstate 70—running north and

south—the Allegheny Park Way—running east and west—the Scenic Highway—running generally southeast to northwest—are the recognition of the need in transportation necessary to redevelop West Virginia's commercial and industrial complex. A new generation of industrialists and businessmen, on the move to new fields of accomplishment, are turning their attention steadily toward the Mountain State and realizing that the domains of the past, the giants of yesterday's industry in West Virginia, are mythical barriers to new fortunes that are present and awaiting new ideas, new plans and a fresh outlook for the future.

West Virginia's birth from the basic civil rights struggle, its growth and development, the sacrifices of its people—caught, so to speak, between two fires—the overpowering faith and conviction of the forefathers of the State, the resulting respect for individual dignity, enterprise and freedom of thought, expression and movement, serve as a remarkable plateau of accomplishment in the field of past, as well as future, civil rights of the nation and the world. The risk, the gamble, the strength of character, the willingness to forsake every personal treasure, even life itself, exhibited by the West Virginians of the mid-1800's are an example of the courage and purpose then held and now so vitally needed to meet the problems of a world today—half free, half slave.

THE MEANING OF CIVIL RIGHTS

It is considered appropriate on this occasion—the very beginning of a new century in this basic struggle of a Christian Democracy—that the Nation, as well as the world, take a solid look at true civil rights as they now exist, in light of our knowledge of history, and ponder with the deepest concern exactly where our future lies. If we are to give only lip service to true civil rights in the future, refuse to be an active part of the growth of true civil rights and the attached individual dignity of mankind, or fail to assume the responsibilities of individual achievement in the true picture of personal attainment, then we indict, summarily convict—with constitutional guar-

unless—and sentence ourselves and the generations that follow us to the bondage and slavery from which our ancestors struggled and arose with devastating suffering of both body and spirit. In a real and certain sense, we will shatter the vision of a democratic way of life—we will murder—as certainly as with a knife—the highest and most advanced state of civilization ever achieved by mortal man in all history and in all ages.

It will be sufficient purpose of this undertaking if it will provide a vehicle of thought for concerned minds to unemotionally, soberly, rationally, logically and clearly evaluate true civil rights, afford them the proper perspective, and lead the way for the continuation of our heritage—which is also the heritage, achieved or unachieved, of every human in the world.

On this occasion of the Centennial of West Virginia's creation, it is an objective viewpoint that the term "civil rights" is grossly misunderstood in that too often the term is limited and confined to some narrow, explosive and emotion-laden incident, consistent only with the contemporaneous news reporting of an event—usually of ugly proportions. While it is true that these are all elements of civil rights and its development, and are all concerned with basic principles of a vigorous Christian Democracy, they are not ends of themselves.

A civil right may be defined as one which appertains to a person by virtue of his citizenship in a state or community, a right accorded to every member of a distinct community or nation, or a right which the municipal law will enforce at the instance of a private individual for the purpose of securing to him the enjoyment of his means of happiness.

Civil rights include the rights of property, marriage, protection by the laws, freedom of contracts and trial by jury, to name but a few. As sometimes stated, civil rights consist of the power of acquiring and enjoying property, of exercising the paternal and marital powers, and the like. In its broadest sense the term "civil rights" includes those rights which are the outgrowth of civilization, the existence and exercise of which neces-

sarily follow from the rights that repose in the subjects of a country exercising self-government.⁴

Civil Rights is a term applied to certain rights secured to citizens by the thirteenth and fourteenth amendments to the Constitution, or by various acts, state and federal.⁵

The [current] Solicitor General of the United States, Archibald Cox, is fond of quoting an ancient saying of Bracton—"not under man but under God and law." This surely expresses one of the essential elements of our society and of western civilization. The decisions of the Supreme Court and of western civilization. The federal courts in the civil rights field have caused great emotion and great bitterness. But this is a necessary result of the achievement of revolutionary social and economic change through the legal growth. Law exists to serve the needs of men, and when the needs of men are revolutionary in nature—as has been true of the needs of Negroes in the United States in the past—the courts and the processes of the law are blamed for doing what must be done. Yet the alternative is either chaos or rigid control through dictatorship without regard to the law. So it is best that the contemporary conflicts in society are reflected in tensions in the law, and are resolved through decisions under the law.

The conflict in society which cuts the deepest today in this country is between the ideals of liberty and equality of the Declaration of Independence—that all men are created free and are equal before the law—and the deep-rooted attitudes and social customs, North as well as South, which antedate the Declaration. The conflict itself is so clear and so personal in the daily lives of so many people—both those struggling for the achievement of full civil rights and those resisting change—that the legal issues to the public must seem equally clear and subject to easy resolution. Yet the fact is that there is an increasing danger of oversimplifying the task of the lawyers and the courts, and of failing to take into account conflicting principles which are at stake.⁶

Further considering the popular restriction of the term and principle of civil rights, as that concept appears in

⁴14 C.J.S. *Civil Rights* §1, at 1159 (1939).

⁵Black, *Law Dictionary* (3d ed. 1933).

⁶Excerpts from Address by Assistant Attorney General Burke Marshall, NAAACP Annual Convention, July 2, 1962.

the vernacular, we must constantly pause to remember that in the broad field of civil rights the same are not exclusively limited to the abolition of slavery and other obvious concepts, but are equally applicable to the freedom and independence, both of thought and action, of every citizen of the United States, regardless of his ancestry, race or creed. In its broadest perspective, "civil rights" refers to those rights and privileges which are guaranteed by law to each person, regardless of race, religion, color, ancestry, national origin, or place of birth: the right to work, to education, to housing, to the use of public accommodations, health and welfare services and facilities, and the right to live in peace and dignity, without discrimination or segregation. They are the rights which Government has the duty to defend and expand.⁷

Civil rights in its proper perspective is as broad as each individual daily problem of each American citizen. Anti-discrimination laws are inevitable to protect employment rights.⁸ Strides forward have been made with the development of federal law to terminate racial and religious discrimination in employment, and particular activity has been noted in this field by programs of the National Labor Relations Board.⁹ In the field of personal endeavor and achievement there have been advances, but still wide gaps exist caused by discriminating practices.¹⁰ Discrimination and impoverishment are more than coincidents, and are often found among non-whites.¹¹ Equal rights and job discrimination are also found in the field involving the employment of men as well as women. By no means does civil rights limit itself to color and sex, inasmuch as discrimination during the advent of automation has become

⁷ LESKES, *THE CIVIL RIGHTS STORY* 3 (1961).

⁸ Kovarsky, *Racial Discrimination in Employment and the Federal Law*, 38 *OHIO L. REV.* 54 (1958).

⁹ Note, *Racial and Religious Discrimination in Employment and the Role of the NLRB*, 20 *MA. L. REV.* 219-32 (1961).

¹⁰ Pressler & Fundler, *Discrimination in Union Membership: Denial of Due Process under Federal Collective Bargaining Legislation*, 12 *RUTGERS L. REV.* 543-56 (1958).

¹¹ Slatman, *Discrimination and Low Income*, *AMERICAN FEDERATIONIST* 17-19 (1961).

particularly prevalent with the relieving of job opportunities because of age discriminations.¹²

In the popular mind we too often associate civil rights with the quest of the colored race to achieve equality under the law. While this phase of civil rights is entirely proper and is most assuredly a vital, living necessity in the development of freedom, liberty and equality in this Nation, it is not limited to any one particular race or creed, but is completely applicable to each citizen, each with his own problem, and whether that citizen be Irish, Polish, or some other nationality, and whether that citizen was born on the right or the wrong side of the tracks, and regardless of whether that citizen, through no fault of his own, but by predetermination of the Divine Creator is associated by background, environment, or by his own choice, with a creed or belief to which bigotry, suspicion, fear, misunderstanding or hatred by his fellow man may attach.

While not an end in itself, the struggle of the Negro for civil rights is graphic of the civil rights problem at hand and the attainment of which is, or should be, the goal of every citizen of a democratic government. The development of the Negro's civil rights from the Emancipation Proclamation to the integration of the University of Mississippi in 1962, by the enrollment of James Meredith as a student in that formerly all white institution of higher learning, is the dramatic fight for civil liberty.

Three months and two days following the birth of the State of West Virginia, President Abraham Lincoln arose at a Cabinet meeting and read from a manuscript before him: "all persons held as slaves within any state, or designated part of a state, the people thereof shall then be in rebellion against the United States, shall be then, thence forward and forever free. . . ." Thus the drama began to prevent our Nation from being "half slave and half free." The struggle continues in the classrooms in all sections of our Nation, in the legislative chambers

¹² Note, *Age Discrimination in Employment: Legislative Collective Bargaining Solutions*, 53 *N.W. U.L. REV.* 96-108 (1958); Note, *Age Discrimination in Employment: An FEPC Misfit*, 61 *YALE L.J.* 574 (1952).

of the lawmaking bodies, aboard the transportation facilities of our Nation, in the voting registrars' offices of our Nation, and in the chambers of the Supreme Court of the United States.

THE ROLE OF THE FEDERAL GOVERNMENT

The story involving the development of freedom for all Americans began as President Lincoln first read the Emancipation Proclamation to his Cabinet on September 22, 1862, shortly after an opportune victory at Antietam. Of the many milestones recorded during the past century in the development of civil rights, particularly as pertains to the rise of the Negro from slavery to equality, historians generally agree that the two principal achievements are:

First: The war amendments to the Constitution, particularly the fourteenth, ratified in 1868, which defined citizenship and extended the equal protection of law to all persons. The thirteenth amendment gave force to the Emancipation Proclamation by truly freeing the slaves. The fifteenth amendment established voting rights for the Negro, thus placing the franchise of freedom in the hands of all persons.

Second: *Brown v. Board of Educ.*,¹³ the United States Supreme Court decision of May 17, 1954, which reversed the long-standing rule of "separate but equal" schools. Historians universally agree that the 1954 decision set a new standard of opportunity.

Other milestones considered by many to be exceedingly important include the Supreme Court decision of 1944, *Smith v. Allwright*,¹⁴ which opened previously all white primary elections to Negroes; Executive Order No. 8802, issued by President Franklin D. Roosevelt in 1941, barring discrimination in factories with defense contracts; and the Civil Rights Act of 1955, later declared unconstitutional, but which dared to call for the protection of the rights of Negroes as any other American citizens.

¹³ 347 U.S. 483 (1954).
¹⁴ 321 U.S. 649 (1944).

To review the broad concept of a subject such as civil rights adequately, it is a regrettable requirement that resort to generalities interspersed with specifics is requisite. Civil rights were the very roots of the formation of our Nation, as well as the birth of West Virginia.

The Constitution and the Bill of Rights, conceived at a time when many Americans feared above all a strong and possibly tyrannical central government, contain no reference to federal protection of civil rights. Each state, with its own constitution and usually its own bill of rights, exercised sole jurisdiction over the civil status of its inhabitants. In 1833, Chief Justice Marshall declared specifically that the first ten amendments, constituting the Federal Bill of Rights, were not binding on the various states in the decision of *Barron v. Baltimore*.¹⁵ From the framing of the Constitution to the Civil War, the realm of civil rights was thus left wholly to the states. After the Civil War, however, a legislative program for the federal guarantee of racial equality took form. Developed in terms of Northern ideals and politics and modified by Southern ideals and politics, this program has been thwarted as well as supported by the Supreme Court.

The first move in the program was the adoption by Congress and the states of the thirteenth amendment, December 18, 1865, abolishing slavery and involuntary servitude, and giving Congress the power to enforce the amendment by appropriate legislation. But, in view of the tremendous problem involved in setting up immediately a free labor system in the war-torn South, and also in view of the famous *Dred Scott*¹⁶ decision of 1857 which declared in effect that even free Negroes were not necessarily full citizens, the Southern states passed a series of "Black Codes." These codes usually required Negroes to work for a white master, to carry a permit in crossing county boundaries, and to undergo apprenticeships. Such offenses as vagrancy were severely punished. To combat this Southern

¹⁵ 32 U.S. (7 Pet.) 242, 250 (1833).
¹⁶ 60 U.S. (19 How.) 393 (1857).

move, the Congress passed in 1866 the first Civil Rights Act.

The Civil Rights or Enforcement Act of April 9, 1866,¹⁷ affirmed that all persons born in the United States were citizens, and it endeavored to put members of all races on equal footing regarding their rights to sue, to make and enforce contracts, to lease, sell, hold, and convey real and personal property. It further secured to all persons the right to the full and equal benefit of all laws and proceedings for the security of persons and property. Severe penalties were prescribed for violations, and the President was given the power to use land and naval forces for the purpose of enforcement.¹⁸

Of two other statutes passed at approximately the same time, one made it a federal crime to kidnap or carry away a person with intent to place him in slavery (Slave Kidnaping Act, May 22, 1866),¹⁹ and the other defined "involuntary servitude" (Peonage Abolition Act of March 2, 1867).²⁰

Since the constitutionality of the first Civil Rights Act was sharply contested, Congress prepared the fourteenth amendment and submitted it to the states two months later. The first section of the amendment provided:

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The Southern states initially refused to ratify this amendment. On July 28, 1868, the amendment was finally ratified,

¹⁷ 14 Stat. 27 (1866), entitled "An Act to protect all persons in the United States in their Civil Rights, and furnish the means of their vindication."
¹⁸ *CARR, FEDERAL PROTECTION OF CIVIL RIGHTS: QUEST FOR A SWORD* 37-38 (1947).
¹⁹ 14 Stat. 50 (1866).
²⁰ 14 Stat. 546 (1867).

but Reconstruction continued. The Southern resistance to this took the form of renewed opposition to Negro suffrage through Ku Klux Klan activities.

The North then moved to protect suffrage rights very specifically through the fifteenth amendment, ratified March 30, 1870, which provided:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Congress was given the power to enforce the article by appropriate legislation. Congress also attempted to check the Klan by several other general Civil Rights Acts.

The Civil Rights or Enforcement Act of May 31, 1870, amended by an Act of February 28, 1871,²¹ protected the right to vote by providing federal machinery to supervise state elections and prescribing severe penalties for interference with voting in state and federal elections which stemmed from race or color discrimination. It became a felony for two or more persons to conspire to interfere with the free exercise by any citizen of any right granted him by the Constitution or the laws of the United States.

The Ku Klux Klan or Anti-Lynching Act of April 20, 1871,²² penalized action which, under color of law, deprived persons of their civil rights. It also provided penalties for conspiracy to overthrow the government or to prevent the execution of its laws, and authorized the President to use military force in the suppression of unlawful action when the states were unable or unwilling to halt either interference with civil rights or with the government's processes to secure them.

The last legislation was passed in 1875, after some Southern states had begun to pass segregation statutes.

²¹ 16 Stat. 140 (1870), as amended, 16 Stat. 433 (1871), entitled "An Act to enforce the Rights of Citizens of the United States to vote in the several states of this Union and for other Purposes."
²² 17 Stat. 13 (1871), entitled "An Act to enforce the provisions of the Fourteenth Amendment to the Constitution of the United States and for other Purposes."